



House of Representatives

General Assembly

File No. 534

February Session, 2018

Substitute House Bill No. 5465

House of Representatives, April 17, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING GOOD TIME CREDITS AND THE EARNED RISK REDUCTION CREDIT PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 18-7a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Except as provided in subsections (b) [and (c)] to (d), inclusive,
4 of this section, any person sentenced to a term of imprisonment, on
5 and after October 1, 1976, and while still serving such sentence
6 whether such sentence is for a definite, indefinite or indeterminate
7 term, and regardless of the institution wherein the prisoner is confined
8 may, by good conduct and obedience to the rules which have been
9 established for the service of his sentence, earn a commutation or
10 diminution of his sentence in the amount of ten days for each month,
11 and pro rata for a part of a month, of a sentence which is for not more
12 than five years, and fifteen days for each month, and pro rata for a part
13 of a month, for the sixth and each subsequent year of a sentence of
14 more than five years. In the case of an indeterminate sentence, such

15 credit shall apply to both the minimum and maximum term. In the
16 case of an indefinite sentence, such credit shall apply to the maximum
17 term only. Any act of misconduct or refusal to obey the rules which
18 have been established for the service of his sentence shall subject the
19 prisoner to the loss of all or any portion of such credit by the
20 commissioner or his designee.

21 (b) Except as provided in [subsection (c)] subsections (c) and (d) of
22 this section, any person sentenced to a term of imprisonment for an
23 offense committed on or after July 1, 1981, may, while held in default
24 of bond or while serving such sentence, by good conduct and
25 obedience to the rules which have been established for the service of
26 his sentence, earn a reduction of his sentence in the amount of ten days
27 for each month and pro rata for a part of a month of a sentence up to
28 five years, and twelve days for each month and pro rata for a part of a
29 month for the sixth and each subsequent year of a sentence which is
30 more than five years. Misconduct or refusal to obey the rules which
31 have been established for the service of his sentence shall subject the
32 prisoner to the loss of all or any portion of such reduction by the
33 commissioner or his designee.

34 (c) [Any] Except as provided in subsection (d) of this section, any
35 person sentenced to a term of imprisonment for an offense committed
36 on or after July 1, 1983, may, while held in default of bond or while
37 serving such sentence, by good conduct and obedience to the rules
38 which have been established for the service of his sentence, earn a
39 reduction of his sentence as such sentence is served in the amount of
40 ten days for each month served and pro rata for a part of a month
41 served of a sentence up to five years, and twelve days for each month
42 served and pro rata for a part of a month served for the sixth and each
43 subsequent year of a sentence which is more than five years.
44 Misconduct or refusal to obey the rules which have been established
45 for the service of his sentence shall subject the prisoner to the loss of all
46 or any portion of such reduction by the commissioner or his designee.
47 In the event a prisoner has not yet earned sufficient good time to
48 satisfy the good time loss, such lost good time shall be deducted from

49 any good time earned in the future by such prisoner.

50 (d) On and after the effective date of this section, no person may
51 earn good time pursuant to this section. Any person who, prior to the
52 effective date of this section, was eligible to earn good time pursuant to
53 the provisions of this section, may, on or after the effective date of this
54 section, earn credits pursuant to the provisions of section 18-98e, as
55 amended by this act, provided such person is otherwise eligible to earn
56 such credits. Any good time credits earned prior to the effective date of
57 this section may be used to reduce a person's sentence in accordance
58 with subsection (a), (b) or (c) of this section, as applicable, except as
59 may be lost pursuant to the provisions of this section. Nothing in this
60 subsection shall invalidate the release or parole release of any person
61 pursuant to a sentence reduction earned prior to the effective date of
62 this section.

63 Sec. 2. Subsection (a) of section 18-98e of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective from*
65 *passage*):

66 (a) Notwithstanding any provision of the general statutes, any
67 person sentenced to a term of imprisonment [for a crime committed on
68 or after October 1, 1994,] and committed to the custody of the
69 Commissioner of Correction, [on or after said date,] except a person
70 sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d,
71 53a-55, 53a-55a, 53a-70a, 53a-70c or 53a-100aa, or who is a persistent
72 dangerous felony offender or persistent dangerous sexual offender
73 pursuant to section 53a-40, may be eligible to earn risk reduction credit
74 toward a reduction of such person's sentence, in an amount not to
75 exceed five days per month, at the discretion of the Commissioner of
76 Correction for conduct as provided in subsection (b) of this section
77 occurring on or after April 1, 2006.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	from passage	18-7a
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Sec. 2	<i>from passage</i>	18-98e(a)
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JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill results in a potential cost to the state by reducing certain inmate's ability to reduce their sentence with good behavior credits. This change affects 322 inmates that were sentenced for crimes committed before October 1, 1994. To the extent that inmates receive fewer credits as a result of the bill's provisions, this will result in inmates serving longer sentences and therefore additional costs to the state. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of inmates that have been incarcerated since before October 1, 1994.

¹ Inmate marginal cost is based on reduced consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a reduction in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

OLR Bill Analysis**sHB 5465*****AN ACT CONCERNING GOOD TIME CREDITS AND THE EARNED RISK REDUCTION CREDIT PROGRAM.*****SUMMARY**

This bill eliminates the ability of inmates sentenced for crimes committed before October 1, 1994 to earn “good conduct credits” to reduce their sentences (see BACKGROUND). Instead, it allows such inmates who were eligible to earn these credits prior to the bill’s passage to earn credits under the state’s risk reduction earned credit program, if they are eligible. Under current law, the risk reduction earned credit program applies only to inmates imprisoned for crimes committed on or after October 1, 1994.

Consequently, the bill reduces the number of (1) inmates imprisoned for crimes committed before October 1, 1994 who are potentially eligible to earn credits off their sentences (due to the risk reduction program’s eligibility criteria, see BACKGROUND) and (2) days per month of credits that they may earn.

The bill allows inmates who have earned good conduct credits prior to the bill’s passage to continue to use them to reduce their sentences as under current law, except as may be lost for misconduct or refusal to obey rules. The bill specifies that it does not invalidate the release or parole release of any inmate whose sentence was reduced under these provisions before the bill’s passage.

EFFECTIVE DATE: Upon passage

GOOD CONDUCT CREDITS AND RISK REDUCTION EARNED CREDIT PROGRAM

The bill eliminates the ability of inmates sentenced for crimes

committed before October 1, 1994 to earn good conduct credits, but opens the risk reduction earned credit program to all eligible inmates, not just those imprisoned for crimes committed on or after October 1, 1994.

By shifting inmates sentenced for crimes committed before then from earning good conduct credits to risk reduction credits, the bill reduces the days per month of credits that they may earn, as follows:

1. Under the good conduct law, such inmates (starting with those sentenced on and after October 1, 1976) may earn up to 12 days off the sentence for each month of good behavior, or 15 days per month if sentenced for a crime committed before July 1, 1981.
2. Under the risk reduction program, eligible inmates can earn credits of up to five days per month for adhering to offender accountability plans, participating in eligible programs, and for good conduct and obeying institutional rules (but good conduct and obeying rules alone is not enough to earn risk reduction credits).

Under existing law, unchanged by the bill, inmates sentenced for crimes committed before October 1, 1994 may be eligible to reduce their sentences under certain other laws, at the Department of Correction (DOC) commissioner's discretion. Specifically, such inmates:

1. who work at the prison or a work-release program may have their sentences reduced by one day for each consecutive seven days of employment (CGS § 18-98a) and
2. may have their sentences reduced by up to 120 days for an "outstanding meritorious performance award" (CGS § 18-98b).

BACKGROUND

Good Conduct Credits for Crimes Committed before October 1, 1994

In 1993, existing laws authorized good conduct credit for inmates.

A provision in PA 93-219 provided that anyone convicted of a crime committed on or after October 1, 1994 had to be subject to supervision either by DOC or the Board of Parole until the maximum term of the person's sentence expired (codified as CGS § 18-100d). The state Supreme Court interpreted this language as eliminating the ability of inmates to reduce their sentences under the good conduct statutes for crimes committed on or after October 1, 1994 (*Velez v. Commissioner of Correction*, 250 Conn. 536 (1999)).

Risk Reduction Earned Credit Program – Excluded Crimes

By law, an inmate convicted of the following crimes cannot earn risk reduction credits: murder, murder with special circumstances, felony murder, arson murder, 1st degree manslaughter, 1st degree manslaughter with a firearm, 1st degree aggravated sexual assault, aggravated sexual assault of a minor, and home invasion. The law also bars an inmate from earning credits if he or she is classified as a persistent dangerous felony offender or persistent dangerous sexual offender (CGS § 18-98e).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/02/2018)